MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2017/2018

UPP4612 – PROFESSIONAL PRACTICE I

(All Sections / Groups)

11 OCTOBER 2017
Reading Time : 2.30 p.m. – 2.45 p.m.
(15 Minutes)
Answering Time: 2.45 p.m. – 5.45 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall **CLEAN** and **ORIGINAL** copy of: Legal Profession Act 1976 (Act 166), Rules & Orders.

   Students are not allowed to lend or borrow statute(s) during the Examination.

5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

Fadil was sued by AZ company for a breach of contract. He had retained, Mr. Aron, a widely known litigation lawyer and his best friend to act for him. After several case managements, the case was fixed for hearing on 15 September 2016. Fadil had paid Mr. Aron the full legal fee and hoped that Mr. Aron will litigate the matter at his best for him.

Upon checking his diary, Mr. Aron realized that he had a case in the Court of Appeal on the same date, however he informed Mr. Aron that is not a problem. He will give priority to Aron's case and would adjourn the other case as Aron is his best buddy. Nevertheless, on 15 September 2016, Fadil failed to get the other case adjourned. The Judge instructed Fadil to proceed with the case as scheduled to protect the right of the accused. Fadil had no choice but to follow the instruction and at the same time he failed to inform Aron of this.

Aron waiting for Fadil, but he did not turn up. When the case was called, it has to be stand down due to the absence of Fadil. Aron was instructed by the Court to call and remind Fadil of the case. He tried many times to call Fadil but Fadil's handphone was off. Finally, he had no choice but to defend the case himself. Judgment was entered against him. Fadil apologized to Aron a week later and made no effort to inform the Court why he had failed to appear on the fixed date. Further he done nothing to protect Aron's right.

Discuss the ethical issues arising from the above facts with particular reference to the Legal Profession (Practice & Etiquette) Rules 1978 and decided cases.

(Total: 25 marks)

QUESTION 2

Ms. Susan was admitted as an advocate & solicitor on 26.2.2017. She loved practice very much and during her pupillage period she had been exposed to litigation, conveyancing and corporate matters. She trusts that she can be an outstanding young lawyer and decided to set up her own legal firm under the name of "Susan & Co". She was so excited to have her own firm and planned to do official opening ceremony. One month before the ceremony, she printed more than 500 brochures and business cards and distributed it to invited guests. Most of the guests are well known CEO of the company, local media, bank managers, bankers and etc. The brochures describe Susan as a "specialist in Court and Corporate matters". These brochures were also displayed at a counter outside the premises of "Susan & Co" during the opening ceremony.

She also called a designer to decorate her firm. The designer advised her to put up a giant name plate outside her firm premise with the intention to attract more clients. According to the designer people can see the location of the firm clearly especially the walk in clients.

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On the date of the official opening, Ms. Susan was fully attired in her Court Robe and was seen taking photograph with a well-known politician, Mr. Rizal and many others high profile clients. Mr. Rizal was invited to officiate the opening ceremony of the firm. She also allocated 20 minutes' interview session with reporters. To her the reporters are important as they can help her in promoting the firm profile to the public.

During the session she voiced out her personal opinion against the Magistrates and Registrars before whom she appeared during her chambering period. She personally felt they have no credibility, and not well trained and therefore are not qualified to be in their positions.

Ms. Susan's character and outstanding profile that can be viewed in the brochures had drawn many potential clients. One of the clients, Datuk Jagjit, informs Ms. Susan that he has already retained a lawyer who guaranteed him RM50,000 as the award of damages in his personal injury claim. However, he wants more and asks Ms. Susan "Can you obtain more for me?", to which Ms. Susan responded, "Sure! Discharge him and come to me. It is a small matter. You deserve more than RM100,000".

Discuss Ms. Susan's conduct as an advocate & solicitor with reference to the Legal Profession Act 1976 and the relevant Rules applicable thereunder.

(Total: 25 marks)

QUESTION 3

Jeremy operates his own legal firm after few months of admission as an advocates & solicitors of the High Court of Malaya. His potential client, Mr. Muthu introduced him to Mr. Malim who plan to takeover a company in Kuala Lumpur. The company is a big and renowned company and of course the takeover process will create a lot of media interest, and will probably result in the shares of the company becoming more worth buying. Jeremy is aware of this situation but knowing the facts well he himself decided to invest in the company. His intention is to take advantage of the likelihood that the company's shares price will go up once news of the takeover spread out.

Discuss Jeremy's conduct as an advocate & solicitor and support your answer with relevant statutory provisions.

(Total: 25 marks)

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QUESTION 4

Reza is a senior lawyer, been practising for almost 15 years in Kuala Lumpur. On March 2017, a written complaint has been made against him by his client relating to misusing the client's money for own purposes. He denied the allegation and stated that the client is trying to destroy his career as a well-known lawyer in the town.

Discuss the stages of disciplinary proceedings that can be taken to investigate the complaint against Reza as prescribed by the Act and what can be done by the disciplinary board if Reza is found guilty.

(Total: 25 marks)

QUESTION 5

What is "Cab Rank Rule" and discuss the rationale and the exceptions to the rule with reference to the Legal Profession (Practice & Etiquette) Rules 1978.

(Total: 25 marks)

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